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September 8, 2017

**VIA ECF**

Honorable Lorna G. Schofield  
United States District Judge  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, New York 10007

RE: *Contant, et al. v. Bank of America Corporation, et al.*, No. 17-cv-3139

Dear Judge Schofield:

Counsel for Plaintiffs ("Plaintiffs") in the above-captioned action respectfully submit this letter regarding several recently-scheduled depositions in *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 1:13-cv-07789-LGS ("*FOREX*").

On July 26, 2017, counsel for Deutsche Bank filed a notice in the above-captioned action stating that depositions of Credit Suisse and Deutsche Bank had been scheduled for August 15 and August 18, 2017. ECF No. 90. On August 1, Plaintiffs sent a letter to Defendants requesting that Defendants agree to jointly submit a stipulation providing that Plaintiffs be permitted to participate in those depositions and receive relevant documents. Defendants informed Plaintiffs that they would not consent to Plaintiffs' requested relief, and on August 4, Plaintiffs filed a letter motion requesting that the Court grant Plaintiffs the same discovery that Plaintiffs had requested of Defendants. ECF No. 96. Defendants did not file a letter in response. On August 8, the Court ordered that "Plaintiffs may attend the depositions scheduled for August 15 and 18, and shall receive copies of the exhibits used during the depositions, subject to the protective order in *FOREX*." ECF No. 102.

When Plaintiffs filed the letter motion on August 4 and the Court granted that motion in part on August 8, the August 15 and 18 depositions of Credit Suisse and Deutsche Bank were, to Plaintiffs' knowledge, the only depositions scheduled in *FOREX*. However, on August 30, counsel for plaintiffs in *FOREX* notified Plaintiffs in the above-captioned action that three additional depositions were thereafter scheduled. Plaintiffs understand that the three witnesses for the newly-scheduled depositions, noticed pursuant to Rule 45, are former Credit Suisse FX employees, and are not parties to the case. The depositions are scheduled for September 22, 26, and 27.

For the same reasons that the Court granted Plaintiffs' motion to attend the August 15 and 18 Credit Suisse and Deutsche Bank depositions, Plaintiffs respectfully request that the Court extend that order to the September 22, 26, and 27 depositions. Counsel for Plaintiffs have conferred with counsel for Credit Suisse and Deutsche Bank in *FOREX* regarding the upcoming depositions. Counsel for Credit Suisse and Deutsche Bank have informed Plaintiffs that they do not oppose Plaintiffs' request to attend the September 22, 26, and 27 depositions on the same terms as set forth in the Court's Order at ECF No. 102.

Accordingly, Plaintiffs respectfully request that the Court enter an order permitting Plaintiffs to attend the September 22, 26, and 27 depositions and to receive copies of the exhibits used during the depositions, subject to the protective order in *FOREX*.

Respectfully submitted,

/s/ Michael Dell' Angelo  
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